



## **March 17, 2023, Public Meeting - ACUPUNCTURE**

Acupuncture Licensing Board

Mar 17, 2023 at 10:00 AM EDT to Mar 17, 2023 at 12:00 PM EDT

7 Eagle Square Concord, NH

Board Members Present: Vicki Irwin, Paul Mosier, Diane Chase and Jody Bell

OPLC Staff: Christine Horne, Tina Kelley and Attorney Elizabeth Eaten

Not Present: Amy Goldstein

### **Minutes**

**I. Call To Order** – Vicki Irwin called the meeting to order at 10:05 am.

**II. Review of Public Minutes-** Vicki Irwin made a motion to approve the minutes from the January 6, 2023 meeting with a few corrections. Jody Bell seconded and motion passes with a roll call vote.

**III. Public Appearances - None**

**IV. OPLC and/or Board Administration Updates - None**

**V. Old Business - None**

**VI. New Business - None**

**VII. Licensure**

**A. Rachel Burack-** her application was all set prior to the meeting

**B. Anya Federowski-** Vicki Irwin made a motion to approve this applicant for licensure. Jody Bell seconded and motion passes with a roll call vote.

**C. Tamra Portalla-** Vicki Irwin made a motion to approve this applicant for licensure. Diane Chase seconded and motion passes with a roll call vote.

**D. Eileen Halloran-** Vicki Irwin made a motion to approve this applicant for licensure. Jody Bell seconded and motion passes with a roll call vote.

**E. Lauren Burger-** Vicki Irwin made a motion to approve this applicant for licensure. Diane Chase seconded and motion passes with a roll call vote.

**VIII. Administrative Rules & Legislative Topics**

**A. Legislation**

**1. Legislative Update - OPLC Board Counsel**

**2. HB2-** This Bill has similar language to HB655 with a number of sections. Many of the items were given to the Boards in a larger overview but with no specific changes to OPLC with the strategic plan in 2022.

Board has many questions:

What about this Board needs streamlining?

Why were certain Boards put in the position of being either moved to advisory Boards or eliminated?

The license was important enough to keep but not the Board? To change them to advisory status?

The Board has a smooth process for applications. If applications are ready in-between meetings Vicki Irwin or Jody Bell review and approve and the Board ratifies that decision at the next meeting. People are not waiting on licensure.

Board would like to invite Lindsey Courtney to the next meeting on April 28<sup>th</sup>.

Board members will submit their concerns to Chris Horne who in turn will share with all the Board members and then Attorney Eaton. She will write up a position statement for the Board to review at the next meeting.

Some of the concerns are: Advisory Board advises the director, but she has ultimate decision power. Rulemaking power needs to stay with the Boards. How do you handle advisory Boards.

There has also been some discussion around the Acupuncture Board merging with the Naturopath Board and the Midwifery Council. This would be to prevent going to advisory Boards.

Attorney Eaton suggested the Board zero in on their concerns and suggest alternatives.

Vicki Irwin made a motion to send a letter in opposition to HB2 with the concerns expressed above. Judy Bell seconded and motion passes with a roll call vote.

The Crossover for the Bills in House is April 6, April 7 for the Senate.

It was asked if patients could make statements? Yes they can. Board can also submit testimony for themselves to their senators and representatives.

**3. HB303-** this Bill has been retained in committee. If it comes back, Boards will be made aware.

**4.HB321-** relative to non-public minutes. This Bill would make non-public minutes available to the public after 10 years unless the Board voted to keep them sealed. This Bill is in committee until April 6<sup>th</sup>. there is a push for government transparency at all meetings. While it is a minimal issue for this Board, for other Boards this Bill raises a lot of concerns.

The Board is opposed to this Bill on the grounds that the information in non-public was private for a reason. Vicki Irwin made the motion in opposition. Jody Bell seconded and motion passes with a roll call vote. Attorney Eaton will draft a letter in opposition for the Board chair to sign.

**5. HB655-** Attorney Eaton spoke with the Board about this Bill. It came from a study committee that came out of SB330. This Bill came before HB2.

With this Bill, Boards would no longer review applications. Boards would create a matrix for staff to approve applications and if there are any deviations then the application would go to the Board. Sam O'Neil from the Nursing Board would be willing to speak to the Board about a matrix for applications. The Nursing Board has had one in place for a long time. Staff will see if she can come to the meeting on April 28<sup>th</sup>. Complaints would go to enforcement first and they would determine the next steps. If the complaint is not deemed valid by enforcement, the Board would not see the complaint.

## **B. Rules**

**1. Acp 400** – Vicki Irwin made a motion to adopt the Acp.400's Jody Bell seconded and motion passes with a roll call vote.

**2. Acp.300-** JLCAR has made a conditional approval request for these rules. the Board will need to meet sooner than June to review.

Board will meet on April 28, 2023 at 10:00 to review the Acp. 300.

**IX. Non-Public Session- none**

Non-Public session is conducted for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, Lodge v. Knowlton, (1978), and the Board's executive and deliberative privileges.

**X. Resume Public Session**

**XI. Seal The Minutes of the Non-Public Session- none**

Motion to seal minutes of the non-public session to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

**XII. Adjournment-** Vicki Irwin made a motion to adjourn at 11:40 am. Diane Chase seconded and motion passes with a roll call vote.